

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, *
Plaintiff, *

VS. *

CRIMINAL NO. 98-231(SEC)

RUBEN MONROIG ALMODOVAR*
Defendat. *

MOTION REQUESTING RECONSIDERATION AND EVIDENTIARY HEARING

TO THE HONORABLE SALVADOR E. CASELLAS
JUDGE - UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, Ruben Monroig Almodovar, the defendant herein, represented by the Federal Public Defender for the District of Puerto Rico and before this Honorable Court respectfully states and prays:

1. On March 1, 2005, defendant filed a Motion Requesting Some Disposition regarding the amount owed in restitution and the method of payment.

2. On March 9, 2005, the government filed an opposition to the same, denying that an agreement existed between the government and defendant, denying that the surrender of the boat referred to in the transcript was for payment of the balance owed under the restitution order, and alleging the amount is still owed in full.

3. The government does not dispute that the defendant has already paid \$50,000.00.

4. On March 28, 2005, this Honorable Court issued an Order denying defendant's Motion for Some Disposition.

5. Defendant request for this Honorable Court to reconsider and hold an evidentiary hearing to determine the exact nature of the agreement between the government and defendant. Defendant submits that the testimony of AUSA Rebecca Kellog and Attorney Marlene Aponte, besides defendant himself, is relevant to any finding by the court.

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6. That a current assessment of the boat is not a proper remedy, as the same was offered and available since the year 2000, as appears on the transcript. It is the value of said boat at the time it was available that is the proper measure. The proper remedy is the enforcement of the agreement. In the alternative, the proper value of the boat is the value it had at the time it was made available.

WHEREFORE, it is respectfully requested that an evidentiary hearing be granted to determine the nature and extent of the agreement between the government and the defendant.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, March 31, 2005.

Joseph C. Laws, Jr.
Federal Public Defender

S/Victor González-Bothwell
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant U.S. Attorney Rebecca Vargas Vera..

In San Juan, Puerto Rico, this 31nd day of March, 2005.

S/ VICTOR GONZALEZ-BOTHWELL, Esq.
Assistant Federal Public Defender